

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Civil No. 13-1374 (SRN/JJK)

PLAINTIFF,

**DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

v.

\$1,422,362.66 IN FUNDS FROM US
BANK ACCOUNT NO. 104778312926;
REAL PROPERTY LOCATED AT 44732 230TH
LANE, AITKIN, MINNESOTA; \$140,000 IN
PROCEEDS FROM THE SALE REAL
PROPERTY LOCATED AT 4595 OAKVIEW
LANE, PLYMOUTH, MINNESOTA; A 2008
FORD EXPLORER, VIN 1FMEU74848UA13515;
\$1,500 IN PROCEEDS FROM THE SALE OF A
2004 POLARIS 500 SPORTSMAN ATV 4
WHEELER; AND A 3.4247% OWNERSHIP
INTEREST IN EBP SELECT HOLDINGS, INC,

DEFENDANTS,

and

CITIMORTGAGE, INC.,

CLAIMANT.

Based on the motion of the United States for an order granting default judgment against all unknown persons and entities having an interest in the defendant properties who have failed to file a verified statement of claim and answer, and for a final order of forfeiture forfeiting the defendant properties to the United States pursuant to law and in accordance with the terms of the Stipulated Settlement Agreement between the Plaintiff and Claimant CitiMortgage, Inc. as to the defendant real property located at 44732 230th

Lane, Aitkin, MN, and based on all the files and records in this action, the Court finds as follows:

1. A verified Complaint for Forfeiture *In Rem* was filed on May 2, 2013, alleging that the defendant properties are subject to forfeiture to the United States.

2. A Warrant of Arrest and Notice *In Rem* was issued by the Clerk of Court on June 6, 2013. The Warrant directed the United States Marshal to arrest the defendant properties, with the exception of the defendant real property located at 44732 230th Lane, Aitkin, MN, and to serve all known persons and entities having an interest in the defendant properties with a copy of the Complaint for Forfeiture *In Rem* and the Warrant of Arrest and Notice *In Rem*. (Docket No. 3). The Warrant of Arrest and Notice *In Rem* gave due notice to all known interested persons and entities to serve on the United States Attorney and file with the Clerk of Court a verified statement of interest in or right against the defendant properties within 35 days after the notice of forfeiture was sent and to serve and file an answer to the Complaint for Forfeiture *In Rem* within 21 days after the date the verified statement of interest was filed.

3. On June 25, 2013, the United States Marshals Service posted the Complaint for Forfeiture on the defendant real property located at 44732 230th Lane, Aitkin, Minnesota.

4. The United States served a copy of the Summons, Complaint and Warrant of Arrest and Notice *In Rem* upon all persons known by the United States who may have a potential interest in the defendant properties.

5. Pursuant to Rule G(4)(a)(iv)(C), Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture Actions, the U.S. Attorney's Office posted a notice of forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on June 11, 2013. (Docket No. 6).

6. On June 25, 2013, James and Bonita Wehmhoff filed an Answer to the Complaint for Forfeiture through which they asserted no claim to the defendant properties and consented to the relief sought in the Complaint for Forfeiture. (Docket No. 4). The Wehmhoffs did not file a Claim asserting an interest in the defendant properties.

7. On August 6, 2013, CitiMortgage, Inc. filed a Claim asserting a mortgage lien interest in the defendant real property located at 44732 230th Lane, Aitkin, Minnesota. (Docket No. 10).

8. No other verified statement of interest in the defendant properties or answer to the Complaint for Forfeiture *In Rem* has been filed with the Clerk of Court and served on the United States Attorney, and the time for filing a verified statement of interest and answer has expired.

9. On or about August 30, 2013, the United States and Claimant CitiMortgage, Inc. entered into a Stipulated Settlement Agreement as to the defendant real property located at 44732 230th Lane, Aitkin, Minnesota. (Docket No. 12).

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Motion of the United States for Default Judgment and Final Order of Forfeiture [Docket No. 15] is **GRANTED**;

2. A Default judgment is entered against all unknown persons and entities having an interest in the defendant properties who have failed to file a verified claim and answer in this proceeding; and

3. All right, title and interest in defendant properties is forfeited to and vested in the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), and shall be disposed of in accordance with law and the terms of the Stipulated Settlement Agreement between the United States and CitiMortgage, Inc. (Docket No. 12.)

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 6, 2013

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Court Judge